

WD 37 file '03

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LAW OFFICES  
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Department of Water Resources

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July 2, 2003

Karl Dreher, Director  
Idaho Department of Water Resources  
PO Box 83720  
Boise, Idaho 83720-0098

Re: Lee Peterson  
Water District 37/37M

Dear Director Dreher:

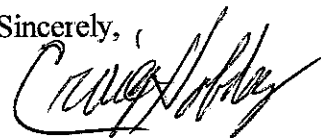
As you may recall, we represent the Big Wood Canal Company and American Falls Reservoir District #2. Since the inception of the Canal Company and Irrigation District, it has been customary to run Company and District water through Little Wood and/or Big Wood River. It has always been our understanding that the watermaster is responsible to monitor all diversions from natural water courses. The watermaster of 37 and 37M, declines to accept that responsibility. He advises that since it is Canal Company/Irrigation District water, it is the responsibility of the individual company to monitor, check, and regulate all such diversions. There are some diversions which have both Canal Company and decreed water diverted.

We cannot seem to find an agreement regarding this matter and are therefore seeking your input. All previous watermasters have specifically indicated that they have control of all water and water diversions, and in fact would not allow Company personnel access to such diversions. Mr. Peterson's actions seem to fly directly into the face of previous watermasters.

Please advise, as soon as possible, as to the Department's opinion in regards to the responsibility and authorization in this matter.

Thanking you in advance for your anticipated cooperation and assistance.

Sincerely,



Craig D. Hobdey

CDH:dm  
c: client

7-29-03

Mtg @ Big Wood Canal Co. & Lee Peterson  
Issue: Big Wood Canal Co shareholders who  
have pulled out of canal & installed pumps

Laughlin

- Community Ditch (A.R. grading?)
- Levee Carey Act H<sub>2</sub>O & Decree water
- User has pulled out of ditch & put pump  
on Little Wood River w/o transfer, must device  
etc... these are domestic uses.

BCCC

- If canal share & intake  $< 1.5''$ , they will  
waive next device requirement.
- there are a few ~~to~~ by pumps in evolution
- there are some pumps not in BCCC or Am Falls  
& have no RTs at all.

Carey Act water = Big Wood Canal shares &  
~~Am Falls~~

Some users may have both decreed rts & Carey Act H<sub>2</sub>O

## Summary

- Wm has responsibility of all diversion from nat. stream / rivers
  - Wm shuts off diversions if as pt or other authority, may coord w/ EDWR on ADVS.
- BWCC will identify re-diversions & if they are sanctioned by them
- Allen / EDWR will assist w/ form & help identifying the re-diversions Info needed:
  - Name & Address
  - FAS Cooperator
  - # shares, PD sanctioned <sup>by</sup> BWCC
  - ~~best~~ new - device requirements
  - comments

Allen suggested that EDWR could add comments to DB/pts reflecting these changes.

BWCC needs policy / resolutions w/ criteria, as to what / how they would be <sup>approved</sup> ~~reviewed~~, answered.

BWCC / WD 37 working w/ Brockway on GPSing of all diversions - could use help from EDWR. Should also look @ developing HRA pts <sup>activity</sup> program & database of diversions.